

Application No: 09/868,375
Attorney's Docket No: PHN-17.707

REMARKS/ARGUMENTS

Applicant acknowledges receipt of the Office Action dated December 1, 2005. Claims 35-61 are pending in the application and are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks and arguments.

By this Response and Amendment claims 1-34 have been canceled without prejudice, surrender, or disclaimer, and new claims 35-61 have been added. No new matter is being presented, and approval and entry are respectfully requested.

ELECTION/RESTRICTION

The prior pending claims were subject to a five way restriction requirement by way of the Office Action dated December 12, 2004. Applicants elected group V, prior claims 23-30 by way of correspondence dated January 18, 2005. In accordance with the above amendment, the outstanding restriction requirement as applied to the new claims is respectfully traversed and/or rendered moot. The new claims correspond to the prior claims as follows:

New claims 35-41 correspond to prior elected claims 23, and 24-30;

New claims 42-58 generally correspond to original claims 1-17;

New claim 59 is a linking claim between claims 35 and 42;

New claim 60 corresponds to claim 42 as a method; and

New claim 61 corresponds to claim 42 as a computer program product embodied in a computer-readable medium.

The above amendment is presented in order to simplify and expedite prosecution without prejudice, surrender or disclaimer. The Office Action dated December 16, 2004 relies upon M.P.E.P. § 806.05(d) Subcombinations Usable Together. That section provides:

Two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually
**>restrictable when the subcombinations do not overlap in scope and are not obvious variants<.

Applicants have provided linking claim 59 in order that claims 35 and 42 overlap. By way of the Office Action dated December 16, 2004, page 3, elected group V is "specific display elements in

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an interface which the user can interact." While the new claims 42-61 generally correspond to original claims 1-17, as presented they also correspond to elected Group V as outlined above.

Approval and entry of all claims are respectfully requested.

REJECTION UNDER 35 U.S.C. § 101

Original claims 23-30 (corresponding to new claims 35-41) stood rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. In view of the new Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, OG Notice 22 November 2005, the outstanding non-statutory rejection is respectfully traversed.

Section IV. B. of the Notice provides:

...USPTO personnel must first identify whether the claim falls within at least one of the four enumerated categories of patentable subject matter recited in section 101 (process, machine, manufacture or composition of matter).

It is respectfully submitted that a graphical user interface comprising a horizontally disposed touch screen is a machine. Class 715/700 of the U.S. Patent and Trademark Office Manual of Classification particularly sets forth:

700 OPERATOR INTERFACE (E.G., GRAPHICAL USER INTERFACE):

This subclass is indented under the class definition. Subject matter wherein a user's interaction with a computer system is used to control the presentation of display data; such interaction is interpreted and used by a data processor or computer architecture wherein system level elements of computation or data processing techniques are used prior to use with or in a specific display system.

Thus, it is respectfully submitted that a graphical user interface is statutory subject matter.

Section IV. C. 2. a. of the Notice further provides:

...The examiner first shall review the claim and determine if it provides a transformation or reduction of an article to a different state or thing. If the examiner finds such a transformation or reduction, the examiner *shall end the inquiry* and find that the claim meets the statutory requirement of 35 U.S.C. Sec. 101.

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It is respectfully submitted that the claimed horizontally disposed touch screen is transformed by the "list of flowing links displayed around a periphery of the screen, wherein the user strokes the touch screen to induce change in the movement of the flowing links." Accordingly, it is respectfully submitted that new claims 35-41 comply with the recent OG Notice.

New claims 42-58 set forth an information processing device comprising an information processing device comprising a display screen to display a plurality of flowing links and an input device to directly alter the flow of the links. Accordingly, it is respectfully submitted that new claims 42-59 comply with the recent OG Notice.

New claim 60 is a process claim, which is an enumerated statutory class under 35 U.S.C. § 101. Accordingly, it is respectfully submitted that new claim 60 complies with the recent OG Notice.

New claim 61 is a computer program product embodied in a computer-readable medium for a practical application that produces a useful, tangible and concrete result. Annex IV. of the Notice provides:

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and *will be statutory in most cases* since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim).

Accordingly, it is respectfully submitted that new claim 61 complies with the recent OG Notice.

Accordingly, it is respectfully submitted that new claims 42-61 are statutory.

REJECTION UNDER 35 U.S.C. § 103

Claims 35-41

Original claims 23-30 (corresponding to new claims 35-41) stood rejected under 35 U.S.C. § 103 as being obvious over Straub et al., U.S. Patent No. 6,216,141 and Flutka et al.,

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U.S. Patent No. 5,758,934. The outstanding obviousness rejection as applied to new claims 35-41 is respectfully traversed.

Straub et al. sets forth a hypertext document viewer 140 to sequence through different display HTML pages. See FIG. 5; col. 8, ln. 26-40. A channel bar 144 allows a user to customize the channels displayed on a desktop window. See FIG. 5; col. 8, ln. 58-60. When a current *channel button* is displayed, the visual indication of the channel button changes (such as a dark outline), and then one or more documents related to that channel are displayed in viewer 140. Col. 8, ln. 60-65. Up and down buttons 162 and 164 allow a user to scroll through the list of currently selected channels. Col. 9, ln. 7-8. The channels are user customizable and do not flow. An options menu provides a navigation controls option (not shown) for control similar to a VCR. See col. 9, ln. 23-33. As set forth in the Office Action at page 3, Straub does not teach the screen is adapted for use in a horizontal plane.

Flutka was relied upon in the outstanding Office Action, page 3, as teaching "a screen adapted for use in a horizontal plane. (fig. 1; see Abstract; col. 2, ln. 45-51)." The Flutka computer monitor sat in a tack welded metal (or plastic) apparatus 10 that "is held in a recessed and tilted position with respect to work surface 12." See Flutka at col. 4, ln. 16-21. While FIG. 1 of Flutka illustrates a tilted monitor that is visible through a horizontal plane of work surface 12, *the Flutka monitor is clearly not horizontal* -- only work surface 12. The angled nature of apparatus 10 teaches away from horizontal positioning of the monitor itself. New claim 35 particularly sets forth a horizontally disposed touch screen for interaction with a user.

Accordingly it is respectfully submitted that new claims 35-41 are non-obvious over Straub and Flutka.

The Office Action dated June 4, 2004 relied upon Nawaz, U.S. Patent No. 5,959,621. FIG. 10 of Nawaz is similar to FIG. 5 of Straub and is commonly assigned. FIG. 3 of Nawaz illustrates a ticker display pane 142. "The data items scroll across the display at a default speed, but the user may select variable speeds *through a control menu* (not shown)." See Nawaz at col. 8, ln. 44-47. The data items displayed "may include hyperlinks for retrieving and displaying documents related to the data item." See Nawaz at col. 9, ln. 20-24.

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Yamada et al., U.S. Patent No. 6,259,432 sets forth an information processing apparatus for improved intuitive scrolling utilizing an enhanced cursor. Yamada et al. provides a variation of the Microsoft "Intellimouse" -- that has a clickable rotary wheel for manipulating scroll bars in a window. See col. 2, ln. 53-58. When the "Intellimouse" is activated, a bitmap arrow appears on the window to indicate that scrolling is being performed. See col. 4, ln. 6-29. Yamada et al. in FIG. 6 illustrates a display by a device driver "Scroll Mapper" to display a mouse cursor. See col. 17, ln. 37-40. Instead of the "Intellimouse" scroll *activation* bitmaps, the Yamada speed indicators visually represent provide multiple arrows visually corresponding to a changeable scrolling speed. See Yamada at col. 18, ln. 20-47. In short, Yamada relates to control of *scroll bar* scrolling speed within a window with a mouse wheel. While Yamada may work in a program with scroll bars (such as Microsoft Word), Yamada will not work on computer displays that lack scroll bars.

None of the applied art teaches or suggests, *inter alia*, the claimed feature of "a flow zone comprising a list of flowing links displayed around a periphery of the screen, wherein the user strokes the touch screen to induce change in the movement of the flowing links."

Accordingly, it is respectfully submitted that claims 35-41 patentably define over all art of record.

Claims 42-59

New claims 42-59 include subject matter from base claim 42. New claim 42 sets forth, *inter alia*, "a plurality of flowing links within a flow zone, each of the flowing links being linked to respective information units" and "an input device ... to *directly* alter the flow of the links ...". As set forth above, FIG. 3 of Nawaz illustrates a ticker display pane 142. "The data items scroll across the display at a default speed, but the user may select variable speeds *through a control menu* (not shown)." See Nawaz at col. 8, ln. 44-47. In other words, the variable speed of Nawaz is provided through a control menu. New claim 42 sets forth that the flow of the links are directly altered. Thus, claim 42 patentably defines over Nawaz. Further, as set forth above, Yamada requires scroll bars. Thus, Yamada cannot be used to control a menu display (such as a

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pull down menu or right-click menu in Microsoft Word). Accordingly, claim 42 patentably defines over Nawaz and Yamada in combination. As set forth above, the Straub channel buttons are similar to a television, and thus while the content corresponding to a channel button changes, the channels themselves do not flow. A selected Straub channel button has a "dark outline" to indicate to the user the changing content in viewer 140. Straub teaches away from flowing channel buttons because of the user's need to know the source of the changing content in viewer 140. Accordingly, claim 42 patentably defines over Nawaz, Yamada, and Straub either alone or in combination.

Accordingly, it is respectfully submitted that claims 42-59 patentably define over all art of record.

Claims 60-61

Claims 60-61 correspond to claim 42 while being respectively directed to a method and a computer program product embodied in a computer-readable medium.

Accordingly, for the reasons set forth above with respect to claim 42, it is respectfully submitted that claims 60-61 patentably define over all art of record.

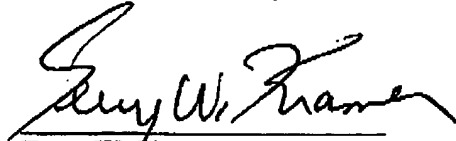
CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

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Respectfully submitted,
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